

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FIDELITY AND GUARANTY
INSURANCE COMPANY,

Plaintiff,

V.

STAR EQUIPMENT CORPORATION,
CHARLENE B. FORAN, JOHN J.

FORAN and TOWN OF SEEKONK,
Defendants.

Civil Action No.: 04-10250-EFH

ASSENTED TO MOTION TO CONTINUE PRE-TRIAL CONFERENCE

Now comes the defendant, Town of Seekonk (misnomer), and respectfully requests this Court continue for at least forty-five (45) days, the pre-trial conference which is scheduled for March 15, 2005.

As grounds for this motion, counsel for Town of Seekonk (misnomer) states that he is scheduled to start trial in Essex Superior Court in Salem on March 15, 2005, in the matter of Perry, et al. v. Town of Marblehead, a complex matter in which he is defending the Town of Marblehead against claims of nuisance and negligence involving the Town's storm water discharge system. The delay in filing this motion is because the trial date was assigned in early February, a recent mediation attempt failed and the court denied a request to continue trial. The court advised the trial will be starting as scheduled.

Town of Seekonk further states that all of the parties assent to this motion. Additionally, the parties are awaiting additional materials determining damages issues which are determinative to the case.

Wherefore, Town of Seekonk (misnomer) respectfully requests this court continue the status conference, scheduled for March 15, 2005, for at least forty-five (45) days.

Respectfully submitted,

Town of Seekonk (misnomer),
By their attorneys,

/s/ Andrew S. Brooslin

Andrew S. Brooslin, B.B.O. No.: 638238
Brody, Hardoon, Perkins & Kesten, LLP
One Exeter Plaza
Boston, MA 02116
(617) 880-7100

Assented To:

Fidelity & Guaranty Insurance Company,
By its attorneys,

/s/ Eric H. Loeffler

Eric H. Loeffler, BBO No.: 641289
Cetrulo & Capone, LLP
Two Seaport Lane
Boston, MA 02210
(617) 217-5500

Star Equipment Corporation, Charlene B.
Foran and John J. Foran,.
By their attorneys,

/s/ E. David Edge

E. David Edge, BBO No.: 655881
Butterall & Greene, LLC
2048 Washington Street
Hanover, MA 02339
Tel: (781) 681-7100

Dated: March 11, 2005